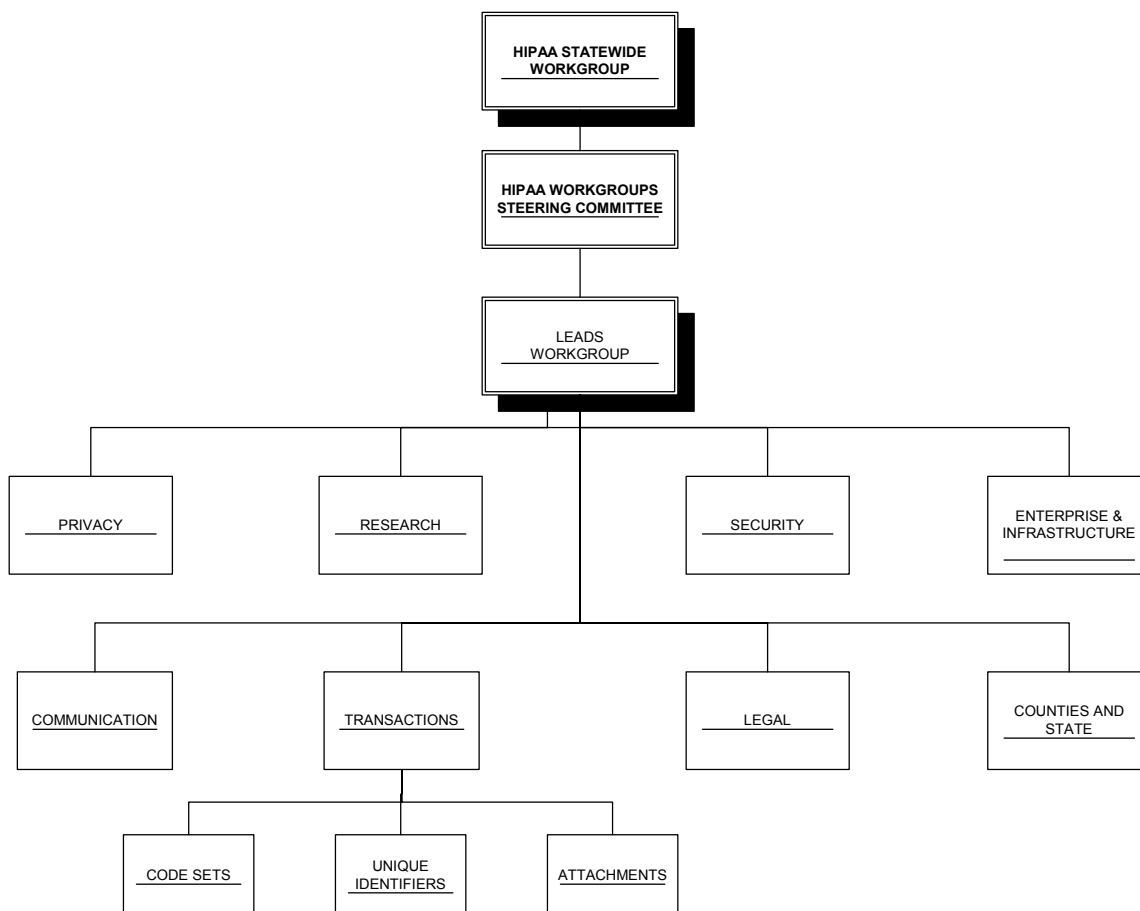


## HIPAA STATEWIDE WORKGROUP STRUCTURE

# Draft

The Statewide HIPAA Workgroup is being restructured to increase impacted departmental participation in the Issues Sub-Workgroups and to provide a forum to enhance collaboration and intra-entity relationships between impacted departments and counties. The structure takes into consideration the impact of HIPAA on the counties, the relationship of the counties to the state departments and the important role-played by the counties in the implementation process. A new HIPAA Workgroups Steering Committee is being formed. The current Statewide Workgroup will meet quarterly, rather than every 3 weeks. The Issues Sub-Workgroups have been restructured to be more issue specific with the creation of several new groups.



**Draft****STATEWIDE WORKGROUP**

The statewide workgroup will continue to remain open to any interested parties, including members from the Issues Sub-Workgroups, the impacted departments, the counties, and vendors. This group will meet quarterly, depending on the need. It will be used for updating on the status of HIPAA, hot topics, key department presentations, county presentations, reports from national conferences, HIPAA specific speakers, updates on finalized sub workgroup products, best practices, etc.

**HIPAA WORKGROUPS STEERING COMMITTEE****MEMBERSHIP / FUNCTIONS**

The assessment found that approximately 25 different State departments indicated that they are impacted by the HIPAA rules. A Steering Committee is being formed to:

- ❖ Provide a centralized forum for these departments to share relevant departmental issues and progress and to keep abreast with the latest developments from the Issues Sub-Workgroups. A representative from each of these departments will be on the Committee.
- ❖ Provide a forum for counties to interact with the departments. County representatives will include the three co-chairs of the Counties and State Leads Workgroup. In addition, four other County representatives will be designated by the Counties Sub-Workgroup to encompass the program areas impacted by HIPAA (e.g. mental health, welfare, drug and alcohol, and public health).
- ❖ Provide a forum to raise issues from the Issue Sub-Workgroups. The Leads from each of the Issues Sub-Workgroups will be representatives on the Steering Committee.
- ❖ Provide a forum for CalOHI to obtain impacted department input on proposed policies, information memos, etc.

The HIPAA Workgroups Steering Committee will meet monthly on the 4<sup>th</sup> Monday of the month in the afternoon from 1:30 to 3:30. It will be chaired and facilitated by representatives from two departments and one representative from CalOHI. Vendors are not allowed membership in the steering committee unless under contract with a state department and appointed by that department to represent them. The steering committee's functions include:

*Draft*

- ❖ Reviewing and providing recommendations on issues from the Leads Workgroups.
- ❖ Identifying issues and sharing resolutions on intradepartmental and state-county issues.
- ❖ Acting as the interface between the Leads Workgroups.
- ❖ Promoting participation by state department representatives in the Leads Workgroups.
- ❖ Providing a broad view analysis of and recommendations on proposed products for CalOHI.

### **ISSUE SUB-WORKGROUPS**

Currently, the following workgroups exist:

- ❖ County-State HIPAA Issues
- ❖ Transactions & Code Sets
  - Unique Identifiers
- ❖ Privacy, Confidentiality and Security/Legal Issues
- ❖ Communications
- ❖ Leads Workgroups

The new Issues Sub-Workgroups will be:

- ❖ Privacy Issues
- ❖ Research Issues
- ❖ County-State Issues
- ❖ Security Issues
- ❖ Enterprise and Infrastructure Issues
- ❖ Communications Issues
- ❖ Transactions Issues that will include:
  - Code Sets
  - Data Elements
  - Unique Identifiers
  - Attachments
- ❖ Legal Issues
- ❖ County-State HIPAA Issues
- ❖ Leads Issues



## **Sub Workgroup Purpose**

### **Privacy Issues Sub-Workgroup**

The purpose of the Privacy Issues Sub-Workgroup, as stated in the charter, is to understand and interpret the HIPAA Privacy standards for affected state, county and local government organizations; recommend standards, policies and guidelines to meet HIPAA requirements, encourage the participation and involvement of every affected State, county and local government entity; promote and enable an infrastructure of HIPAA-compliant privacy policies, guidelines, organizational structures and computer-enabled approaches; and make recommendations on the issues. This workgroup is an open forum for issue identification; it will analyze issues, make decisions and forward recommendations to Office of HIPAA Implementation (OHI).

### **Research Issues Sub-Workgroup**

This sub-workgroup will be looking into the HIPAA privacy and security restrictions placed on research and its relationship with the Institutional Review Board (IRB) and its rules. This group was separated from Privacy as it is expected that researchers will have issues with other Federal rules and their implementation beyond Privacy.

### **Security Issues Sub-Workgroup**

The security issues were separated from the privacy issues, as the final Security rules are shortly to be issued by DHHS. When these rules are issued, work will need to be completed to identify and develop those security measures that will be needed to secure state entity-held individually identifiable health information that is impacted by the HIPAA rules.

### **Enterprise/Infrastructure Issues Sub-Workgroup**

This sub-workgroup will be developing processes that would be cost-effective if done for more than one department jointly, rather than individually. These may include encryption compression processes, flexibility, and platforms for testing, translators, clearinghouses, reviewing these tools for potential statewide enterprise applicability.



### **Communications Issues Sub-Workgroup**

The purpose of the Communications Sub-Workgroup, as stated in the charter, is to ensure appropriate and timely communication of guidelines, procedures and information between interested entities.

### **Transactions Issues Sub-Workgroup**

The Transactions Issues Sub-Workgroup has three task groups including Code Sets Task Group, Unique Identifiers Task Group and Attachments Task Group. This Sub-Workgroup, as stated in their charter, will be responsible to:

- ❖ Provide a forum for information exchange for State operating departments, Counties, and other related agencies regarding Transactions and Data Content mandated by the Health Insurance Portability Act (HIPAA). (It is understood that “transactions” will, at some future point, include attachments)
- ❖ To identify, track and resolve issues resulting from the implementation of mandated HIPAA standard transactions and code sets.
- ❖ To identify data, policies, and procedures that will change because of the implementation of HIPAA-mandated transactions, when the change will affect more than a single State department.
- ❖ To make recommendations regarding Transactions and Data Content implementation to the State office of HIPAA implementation, State department and oversight agencies, as appropriate.
- ❖ Ensure each business unit is represented and participates in the impact assessment of required HIPAA changes. The team is responsible for interpreting the conversion requirement for unique identifiers (provider, employer, and health plan) and helping ensure changes are made uniformly throughout the departments.
- ❖ Evaluate translators and clearinghouses to include reviewing these tools for potential statewide enterprise applicability.

### **Legal Issues Sub-Workgroup**

This sub-workgroup is currently working on a matrix of state confidentiality and privacy laws and their relationship to federal laws including HIPAA. This matrix will indicate where California may need to make preemption requests from DHHS. This group was separated from Privacy because it is likely that statewide legal issues will arise from other Federal HIPAA rules.

## **County-State Issues Sub-Workgroup**

The County-State Issues Sub-Workgroup, as stated in the charter, will be responsible to:

- ❖ Serve as a forum for California counties to discuss HIPAA Compliance issues that involve coordination with the State of California or that impact State reporting or regulatory compliance,
- ❖ Provide a means for California counties to reach consensus on issues where a consistent response across counties will better serve to influence the State, Federal government, or standards setting organizations to consider California county issues,
- ❖ Consolidate similar issues submitted by California counties for discussion by the County Issues Workgroup or for forwarding to other, more appropriate, workgroups as necessary.
- ❖ Forward issues to the State for consideration, and through the State, to the Federal government, as appropriate.
- ❖ Distribute information that may be helpful to counties working on HIPAA compliance.

In addition, this issue sub-workgroup should develop a structure with other county participants to bring back to this workgroup the issues being discussed in the other workgroups. This will enhance all counties' understanding and awareness of the issues, templates and processes being developed and finalized in the other issue sub-workgroups. Information of this nature can also be provided to this workgroup from the county representatives to the Workgroups Steering Committee.

NOTE: See Attachments

- ❖ List of Workgroups Steering Committee members.
- ❖ Chairs for groups.

**Draft****Leads for Workgroups:****HIPAA Statewide Workgroup**

Joint Leads: Judy Gelein, Department of Health Services  
 Ken McKinstry, Department of Mental Health  
 Therese Hart, California Office of HIPAA Implementation

**HIPAA Workgroups Steering Committee**

Joint Leads: Judy Gelein, Department of Health Services  
 Ken McKinstry, Department of Mental Health  
 Therese Hart, California Office of HIPAA Implementation

**Leads Issue Workgroups**

Leads: The Leads of all sub-workgroups will participate.

**Issues Sub-Workgroups Leads/Backups**

	<b>Leads</b>	<b>Backups</b>
Privacy:	Mary Pecci, DHS	
Research:	Kathy Styc, DMH	
Security:	Art Mark, HHSDC	
Enterprise & Infrastructure:	Debra Reiger, HHSDC Carol Piombo, HHSDC	
Communications:	Marchel Burgess, DHS	
Transactions and Data Content:	Sue Boucher, DDS Ginger Cox, OSPD	
Legal:	Stephen Stuart, CalOHI	
Counties and State:	Steven Marshall, Sutter County Terry Hogan, San Diego County David Smith, San Diego County Four – County Subject Matter Experts	